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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 C. ROBERT PETTIT, M.D.,

14 Plaintiff,

15 v.

16 CONTRA COSTA MEDICAL SERVICES  
17 REGIONAL MEDICAL CENTER and  
18 DOES ONE THROUGH TWENTY,  
Inclusive,

19 Defendants.

No. C 07 3358 JSW

DECLARATION OF DR. RAMON  
BERGUER IN SUPPORT OF  
DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT OR PARTIAL SUMMARY  
JUDGMENT

20 I, Ramon Berguer, do hereby declare:

21 1. I am over the age of eighteen and a resident of the State of California. I know of the  
22 matters set forth herein of my own personal knowledge, and if called upon to testify could and  
23 would competently testify thereto.

24 2. I have been a medical doctor since 1985. I have been board certified in Surgery  
25 since 1992. I have worked as a medical doctor with Contra Costa County since 1999. I have  
26 worked in the Health Service Department the entire time, in Surgery. Since 2004, I have  
27 served as the Chief of Surgery, and I have overseen the ENT unit during that time.  
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1           3. In November 2006, I discussed with Dr. Pettit my investigation that suggested that  
2 his practice style was not one that fit with the County's needs, and that there were numerous  
3 complaints about Dr. Pettit, including those detailed in the declaration of Dr. Jeff Smith. Dr.  
4 Pettit and I had a lengthy discussion. Dr. Pettit asked for an opportunity to rebut the  
5 Department of Surgery's position, which I invited him to do. Shortly thereafter, I received a  
6 letter from Dr. Pettit, which reiterated some of the complaints he had about Dr. Keating, but  
7 which did nothing to respond to the concerns the County had about Dr. Pettit's functioning as  
8 an ENT for the County.

9           4. On January 8, 2007, Dr. Pettit contacted me by phone for the first time since our  
10 November 29, 2007 meeting, about the "status" of the planned termination of his contract. I  
11 was surprised to receive this inquiry from him, since I believed the paperwork had already  
12 been circulated for termination, and the notice had already been sent to Dr. Pettit. On January  
13 8, 2007, I confirmed both in the phone conversation and by letter to Dr. Pettit that the County  
14 had indeed decided to terminate the contract.

15  
16 DATED: JULY 17, 2008

  
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RAMON BERGUER, M.D.